

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
 :
 v. :
 : No. 4:19-CR-207
 DAMONICO HENDERSON, :
 : (Magistrate Judge Arbuckle)
 Defendant. :
 : Judge Brann

MOTION FOR REVIEW AND REVOCATION OF DETENTION ORDER

Defendant Damonico Henderson, by and through his undersigned counsel, hereby moves for reconsideration of detention and for the Court to revoke the order of detention pursuant to 18 U.S.C. §§ 3142 & 3145 and respectfully represents the following:

1. On June 14, 2019, a Criminal Complaint was filed against Mr. Henderson charging him with Conspiracy to Distribute a Controlled Substance.

2. Mr. Henderson was arrested at his home in Ohio on June 17, 2019 and subsequently detained.

3. On June 27, 2019, an indictment was returned charging him and two other individuals with Conspiracy to Distribute and related offenses. Mr. Henderson was also charged with one count of Attempted Possession with Intent to Deliver.

4. An initial appearance and arraignment was held on July 12, 2019 before Magistrate Judge Arbuckle.

5. At that time, the Government invariably requested detention of Mr. Henderson and invoked the rebuttable presumption pursuant to 18 U.S.C. § 3142(e).

6. Mr. Henderson did not contest detention at that juncture and reserved the right to challenge it.

7. Mr. Henderson disputes that he is a flight risk and/or a danger to the community.

8. Refuting the presumption is a low standard. Mr. Henderson need only present "some credible evidence" to rebut the presumption. See United States v. Carbone, 793 F.2d 559 (3d Cir. 1986).

9. Mr. Henderson is 55 years of age.

10. He is a lifelong resident of Elyria, Ohio - a suburb of Cleveland.

11. He is married to his wife Stephanie.

12. He is the father of three adult children.

13. Prior to his incarceration, Mr. Henderson was gainfully employed and worked for six years as a manager for Harkness Services, a business that services and installs exhaust hoods for industrial kitchens. That employment is still available if released.

14. Mr. Henderson's last criminal contact was eleven years ago. He nevertheless, had an excellent supervision history and no history of bench warrants.

15. Mr. Henderson is represented by local counsel.

16. The present denial of bail deprives Mr. Henderson of an opportunity to unhampered preparation of his defense.

17. The present detention deprives Mr. Henderson as it punishes him in the absence of a conviction.

18. The present detention destroys Mr. Henderson's presumption of innocence and he is being detained on a mere suspicion of guilt.

19. There are conditions available that can be imposed that will reasonably assure Mr. Henderson's appearance.

20. Assistant United States Attorney Geoff MacArthur does not concur with this motion.

WHEREFORE, for the foregoing reasons, Mr. Henderson respectfully requests that the Court grant a hearing on the matter and after said hearing, grant his motion and release him pending disposition in this case under any conditions that the Court may deem just and appropriate.

Dated: August 20, 2019

MIELE & RYMSZA, P.C.

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CERTIFICATE OF SERVICE

I, Edward J. Rymsza, Esq., hereby certify that on this 20th day of August 2019, I served the foregoing Motion for Review and Revocation of Detention Order upon Geoff MacArthur, Esq. by electronic mail.

Dated: August 20, 2019

MIELE & RYMSZA, P.C.

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